

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARVIN GLOVER,	:	
Petitioner,	:	
v.	:	Case No. 3:16-cv-511
WARDEN, London Correctional	:	JUDGE WALTER H. RICE
Institution,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S INITIAL REPORT AND RECOMMENDATIONS (DOC. #4) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #7); OVERRULING PETITIONER'S OBJECTIONS THERETO (DOCS. ##5, 8); DISMISSING WITH PREJUDICE AMENDED PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS (DOC. #3); JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his initial Report and Recommendations (Doc. #4) and Supplemental Report and Recommendations (Doc. #7), as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections thereto (Docs. ##5, 8) are OVERRULED for the reasons explained by Magistrate Judge Merz. In short, the victim's testimony was sufficient to support the rape conviction; no DNA evidence is required. Moreover,

Petitioner has failed to identify any exculpatory evidence that was withheld by the prosecutor. Petitioner's claim of ineffective assistance of counsel based on failure to investigate, and his Confrontation Clause claim are procedurally defaulted.


The Court DISMISSES WITH PREJUDICE the Amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. #3).

Judgment shall be entered in favor of Respondent and against Petitioner.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 27, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE